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UNCLAS SAN JOSE 001639

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SUBJECT: FIRST MEETING OF THE COMMISSION OF EMINENT PERSONS

REF: SAN JOSE 01587

1. (U) On July 17, 2005, President Pacheco met for the first time with all five members of the commission of eminent persons ("junta de notables") whom he tasked to review the text of the U.S.-Central American-Dominican Republic Free Trade Agreement (CAFTA-DR). This meeting officially began the work of the commission that was first proposed by the President on April 26, 2005. At the meeting President Pacheco signed a proclamation officially creating the commission and presided over the swearing in of each member.

2. (U) Following the 4-hour meeting, the President and commission members took part in a press conference in which the commission's chairman, Dr. Franklin Chang, stated that they would present a written report to the president in 60 calendar days (September 16, 2005). The President stated that, even though the report will have no legal role in the CAFTA-DR ratification process, it will weigh heavily in his decision on whether or not to send the agreement to the Legislative Assembly. The President stated that he expects the commission to offer a general opinion as to whether CAFTA-DR is an instrument that facilitates the goals of integrated development of the country.

3. (U) Dr. Chang stated that the commission wants to discern the most important aspects of the agreement and will do so with the help of both those who oppose and those who support the agreement. He also stated that the commission will do what is necessary to complete its work successfully. Despite his obvious commitment to the task, it is not certain whether Dr. Chang, a retired NASA astronaut who resides in the U.S. and has just started his own company, will remain in Costa Rica during the work of the commission. Commission member Dr. Rodrigo Gamez, the president of the Costa Rican Institute of Biodiversity, acknowledged that one challenge is that of time; all of the members have other obligations. He went on to state that despite this challenge, the commission members will give as much time as possible to this effort.

4. (U) The Commission is permitted one extension of its 60-day deadline, but it was not stated how long this extension could be.

Comment

5. (SBU) Prior to yesterday's meeting, Post had some concerns that the President or some commission members may make negative comments about CAFTA-DR (reftel); however, the tone of the public comments was neither negative nor positive. This is the best result that could have been expected. President Pacheco's public comments about CAFTA-DR have ranged from expressing clear support, while visiting the U.S. in May 2005 with other Central American Presidents, to questioning the fairness of the agreement regarding effects on the poor, when speaking to Costa Rican audiences. He has never stated unequivocal support for CAFTA-DR while in Costa Rica.

6. (SBU) With the official commencement of the commission's duties underway, the real question now is how the commission will proceed. Many aspects of the commission's work remain unclear; for instance, the methodology the commission will use to evaluate the agreement. In addition, this first meeting of the commission was delayed from June 15, when the commission members' names were made public, until July 17, 2005 because of the unavailability of Dr. Chang. It is unclear how his probable absence over the next few months due to other responsibilities will affect the progress of the commission's work. It is possible that each member of the commission will perform his own investigation, consult

persons of their own choosing, and come to their own conclusions. The commission would then meet to come to some sort of consensus to generate the report.

KAPLAN